

1 | if you'd just orient yourself on those and let me know when
2 | you've done that. And just to assist you a little bit, to
3 | help your orientation, let me tell you that what these purport
4 | to be are agreements or contracts between Raystay Company and
5 | a company called Quality Family Companies that relate to the
6 | low-power television construction permits held by Raystay.

7 | A So that was 218 through 221?

8 | Q Correct. Now, turn to 218, Page One -- TBF Exhibit
9 | 218, Page One, and the very first line refers to a party
10 | called Quality Family Companies and my question to you is to
11 | your understanding, is that one of the companies -- or one of
12 | the corporate names used by Mr. Fenstermacher?

13 | A Yes.

14 | Q Did you review these agreements on behalf of Raystay
15 | before the agreements were signed?

16 | A I believe I did, yes.

17 | Q And is it correct that contracts of this nature --
18 | we have five contracts here. TBF Exhibits 218 through 221 are
19 | five agreements and they relate to the two Lebanon and the two
20 | Lancaster and the one Red Lion permit. Is it correct that
21 | also an agreement was signed at the same time relating to TV
22 | 40 between --

23 | MR. SCHAUBLE: Excuse me, Counsel. Is 218 through
24 | 221 -- you referred to five.

25 | MR. EMMONS: I'm sorry. Quite right. There are

1 four here.

2 MR. SCHAUBLE: The two -- I believe the two
3 Lancaster and the two Lebanon are the ones that are --

4 MR. EMMONS: That's right.

5 BY MR. EMMONS:

6 Q I'm sorry, Mr. Gardner. Counsel has corrected me.
7 I misspoke. What we have here are four exhibits and what they
8 relate to are the two low-power permits in Lancaster and the
9 two low-power permits in Lebanon. And with that
10 understanding, my question to you is, was -- were similar
11 agreements also signed with Quality Family Companies relating
12 to the low-power permit for Red Lion and the -- and also to TV
13 40?

14 A Well, I don't see them here.

15 Q No, they're not here. I can tell you they're not
16 here.

17 A I don't recall of any for Red Lion.

18 Q You say you do not recall any for Red Lion?

19 A I don't recall of any for Red Lion.

20 Q Let me see if I can refresh your recollection. Turn
21 to TBF Exhibit 217, if you would. This is a letter dated May
22 23, 1991 to Mr. Fenstermacher from Lee Sandifer on behalf of
23 Raystay and if you look at the first paragraph, you will note
24 that it says, "For your review and approval, I enclose the
25 following, one, an executed copy of one of the LPTV permit

1 agreements and option to buy agreement. All five are the
2 same."

3 And then the next --Subparagraph Two refers to an
4 executed agreement and option to buy agreement for TV 40.
5 Now, in seeing that, does that refresh your recollection as to
6 whether or not there were agreements between Raystay and
7 Quality Family Companies that pertained to the Red Lion permit
8 and to TV 40 as well as to the other five -- other four
9 permits?

10 A I don't remember there being one for Red Lion. I do
11 remember there being discussions about TV 40 and I would
12 believe there is -- there must be an agreement -- there should
13 be an agreement for TV 40 somewhere.

14 Q Now, turn to TBF Exhibit 218, again, if you would,
15 Page Ten. Do you have that?

16 A Yes.

17 Q Do you see the signatures toward the bottom of the
18 page?

19 A Yes.

20 Q The signature that appears on the upper right-hand
21 of the four signatures on that page, do you recognize that
22 signature?

23 A Yes.

24 Q Whose signature is that?

25 A George Gardner.

1 Q And the date next to that signature is May 22, 1991?

2 A Yes.

3 Q Now, turn to Page (sic) 219, if you would, Page Ten
4 -- strike that. I'm sorry. Before you do that, stay on
5 Exhibit 218 and go to Page 15.

6 A Yes.

7 Q And likewise, do you recognize the signature in the
8 upper right-hand of the four signatures as being that of
9 George Gardner?

10 A Yes.

11 Q Now, turn to Exhibit 219, if you would, Page Ten,
12 and do you see the signature of George Gardner on the upper-
13 right hand of the four signatures?

14 A Yes.

15 Q And likewise to Page 15, again, on TBF Exhibit 19
16 (sic). Do you recognize that to be the signature of George
17 Gardner in the upper-right hand of the four signatures?

18 A Yes.

19 Q Now, turn to --

20 JUDGE CHACHKIN: Well, there's no dispute about the
21 signatures.

22 MR. SCHAUBLE: Yeah, there's no --

23 MR. EMMONS: Oh, there's no dispute.

24 JUDGE CHACHKIN: We're just wasting time with this.

25 MR. EMMONS: We'll stipulate that all four of these

1 documents were signed by --

2 MR. COHEN: We never quarreled to that.

3 MR. SCHAUBLE: Or specifically all eight of the
4 documents.

5 MR. EMMONS: Yes, fine. Very good.

6 BY MR. EMMONS:

7 Q Mr. Gardner, you testified that you reviewed these
8 contracts before they were signed and I want to ask you, would
9 you tell us your understanding of the general nature of the
10 deal between Raystay and Mr. Fenstermacher's company?

11 A Well, it was a long time ago and I don't know that I
12 even recall the general nature of the deal without reading the
13 whole document again.

14 Q Well, I don't want you to do that, but let me ask
15 you this then. Do you generally recall that Mr. Fenstermacher
16 was, under these agreements or under the TV 40 agreement, at
17 least, was to undertake to program TV 40, he was to supply the
18 programming for TV 40?

19 A Yes.

20 Q And that was to be the case 24 hours a day?

21 A I did not negotiate the deal and I couldn't speak to
22 whether it was 24 hours a day or not.

23 Q With respect to the low-power permits, do you recall
24 the deal as being that Mr. Fenstermacher would build the low-
25 power stations --

1 MR. SCHAUBLE: Your Honor, I object. I think the
2 documents speaks for themselves and I don't understand the
3 purpose of this -- for this line of --

4 JUDGE CHACHKIN: Unless somehow this is a prelude to
5 some questioning of the witness. If it isn't, then the
6 document does speak for itself.

7 MR. EMMONS: All right. The document will speak for
8 itself, Your Honor.

9 BY MR. EMMONS:

10 Q Mr. Gardner, did you visit the Lebanon or Lancaster
11 low-power television site in connection with Raystay
12 negotiations with Mr. Fenstermacher?

13 A No.

14 Q Would you turn to Page Three of Exhibit 218? Do you
15 have that in front of you?

16 A Yes.

17 Q And let me focus you on Paragraph Eight and
18 particularly the first part of the first sentence of Paragraph
19 Eight and I will tell you, and you can check this if you wish,
20 that these are obligations that Raystay had under this
21 agreement and Paragraph Eight says in part, "to assure
22 programmer the availability of the authorized transmitter and
23 antenna site for the station." Do you see that?

24 A Yes.

25 Q Now, my question to you is did you take any steps to

1 assure the availability of the Lancaster or Lebanon
2 transmitter site in connection with this agreement with Mr.
3 Fenstermacher?

4 A I did not.

5 Q And do you know of anybody else who did?

6 A I do not know of anybody who did.

7 Q Now, we see, Mr. Gardner, that these agreements were
8 executed in May of 1991 and my question to you is did you
9 become aware, at a point in time, when the agreements with Mr.
10 Fenstermacher were terminated?

11 A Yes.

12 Q Are you aware of the circumstances -- were you, at
13 the time, aware of the circumstances under which they were
14 terminated?

15 A Yes.

16 Q Would you describe the circumstances?

17 A Mr. Fenstermacher had made promises to pay certain
18 sums of money to Raystay Company in return for Raystay's
19 signature on the documents and he didn't make his payments.

20 Q And therefore, what happened?

21 A Raystay gave him notice that he was delinquent on
22 his payments and then declared him in default and then
23 terminated the agreements.

24 Q Now, at the time that Raystay gave that notice to
25 Mr. Fenstermacher, had Mr. Fenstermacher been the person who

1 was then programming TV 40?

2 A I was not involved with it at that point. The first
3 I learned that anything was happening was when termination
4 proceedings started.

5 Q So you don't know then whether Mr. Fenstermacher had
6 been programming TV 40 up to the time when the agreements were
7 terminated?

8 A I don't know for certain. I know he was involved,
9 but I don't know to what extent.

10 Q Now, would you turn to TBF Exhibit 222? This is a
11 letter dated August 12, 1991 on Raystay letterhead addressed
12 to Mr. Steve Fenstermacher and signed on Page Two by Lee
13 Sandifer as vice-president of Raystay. Do you have that
14 before you?

15 A Yes.

16 Q Take a moment, if you need to look at this, and what
17 I want to ask you is do you recognize this letter as a
18 termination notice along the lines of what you testified to?

19 MR. SCHAUBLE: Objection, Your Honor. There's an
20 improper predicate in this question.

21 MR. EMMONS: Let me rephrase that. I didn't think
22 there was, but let me ask you this, Mr. Gardner. Is it your
23 understanding that Raystay, at some point, gave notice to Mr.
24 Fenstermacher of -- that Raystay was terminating its
25 agreements with him?

1 MR. SCHAUBLE: Your Honor, can we go off the record
2 for a second?

3 JUDGE CHACHKIN: All right. Off the record.

4 (Off the record. Back on the record.)

5 MR. EMMONS: Your Honor, counsel has correctly
6 pointed out to me that I did misstate the -- or mischarac-
7 terize the letter in question. We're talking about TBF
8 Exhibit 222. Mr. Gardner if you look at the first sentence of
9 the letter, does -- is this a notice by Raystay to Mr.
10 Fenstermacher's company that Mr. Fenstermacher's company is in
11 default of the agreement --

12 MR. SCHAUBLE: Objection, Your Honor. The document
13 speaks for itself and unless we're --

14 JUDGE CHACHKIN: Unless you want to ask him whether
15 this is the notice that he had reference to -- the notice he
16 had reference to when he would testify about the notice of
17 termination. You can ask him that question.

18 BY MR. EMMONS:

19 Q Mr. Gardner, is this Exhibit 222 -- TBF Exhibit 222
20 the notice to which you testified you had reference to in your
21 testimony?

22 A Yes.

23 Q And if you'd look also at TBF Exhibit 223, which is
24 a letter dated August 22, 1991, on Raystay letterhead to Mr.
25 Steve Fenstermacher from Lee Sandifer, is this letter also

1 part of the notice and termination process that you refer to
2 in your testimony?

3 A Yes.

4 Q Now, these notices indicate that the agreements with
5 Mr. Fenstermacher's company were terminated in August of 1991
6 and we had previously seen that the agreements were executed
7 in May of 1991, at least those agreements that we saw, and my
8 question to you is during the period of time while these
9 agreements were in effect, that is to say between May of 1991
10 and August of 1991, did you visit the -- either the Lebanon or
11 the Lancaster transmitter sites?

12 A I don't believe so.

13 Q Now, how did you learn that the agreements with Mr.
14 Fenstermacher had been terminated?

15 A Had been terminated? When I received the
16 termination letter for the file, the Quality Family Company
17 file.

18 Q I see. Someone sent copies of these two letters, or
19 one of them, at least, to you and I'm referring to TBF Exhibit
20 222 and TBF Exhibit 223. And were you party to any
21 discussions with anybody at Raystay or Waymaker about the
22 consequences for Raystay of this termination?

23 A Yes.

24 Q With whom did you have such discussions?

25 A Lee Sandifer.

1 Q And what was the substance of those discussions?

2 A Lee indicated that Raystay was going to have primary
3 responsibility for all the LPTV operations again and that we
4 should put plans on a front burner to -- we should put them as
5 a front-burner issue again.

6 Q Put what as a front-burner issue?

7 A The LPTV's.

8 Q In other words, what you were going to do with the
9 LPTV's?

10 A Yes.

11 Q I see. And was -- did the discussion include the
12 fact that the five permits held by Raystay would be expiring a
13 few months later?

14 A I don't recall any such discussion.

15 Q Well, it was the case, was it not, that as of August
16 1991, those permits were due to expire within about four or
17 five months? Isn't that correct?

18 A I believe so, yes.

19 Q And was there not some sense of urgency on Raystay's
20 part to do something with the permits in light of the
21 impending expiration date?

22 MR. SCHAUBLE: Objection, Your Honor. That question
23 appears to be argumentative, was there some urgency. I don't
24 understand the --

25 JUDGE CHACHKIN: I'll sustain the objection. If you

1 want to know if there were any discussions concerning the
2 expiration date, you can ask that question. But there seems
3 to be a conclusion in your question that there was a
4 connection between the two. That hasn't been established.

5 BY MR. EMMONS:

6 Q Were there any discussions, Mr. Gardner, about the
7 impending expiration of the five permits?

8 A I don't recall any such discussions.

9 Q Was there any discussion about what to do with TV 40
10 in light of this development, now that Mr. Fenstermacher was
11 no longer responsible for the operation of TV 40?

12 MR. SCHAUBLE: Objection, Your Honor. Relevance.

13 JUDGE CHACHKIN: Overruled.

14 MR. GARDNER: I recall at some point in time, and I
15 don't know whether it was here or not, that Lee Sandifer
16 indicated he was going to have to find some type of
17 programming to replace what Quality Family Companies had been
18 doing.

19 MR. EMMONS: Was there any discussion about selling
20 TV 40?

21 MR. SCHAUBLE: Objection. Relevance.

22 JUDGE CHACHKIN: Overruled.

23 MR. GARDNER: At what time?

24 BY MR. EMMONS:

25 Q At the time of -- following the collapse of the deal

1 with Mr. Fenstermacher.

2 A Immediately following it, you know, within two
3 weeks, a month?

4 Q Well, tell me the first such discussions you can
5 recall following that event.

6 A Sometime in the fall, and I don't really recall when
7 it was, I think Lee Sandifer -- I think he had been working
8 with Bob Shaffner prior to the Quality Family Company's deal,
9 although I'm not sure of that. But after the Quality Family
10 Company's deal terminated, I know that by winter of 19-- no,
11 December of 1991, that Lee was into discussions with Bob
12 Shaffner about the possibility of some kind of deal with
13 Shaffner regarding his cable system and TV 40.

14 Q And for the record, Shaffner is spelled S-H-A-F-F-N-
15 E-R?

16 A I --

17 MR. SCHAUBLE: I'll stipulate to that.

18 BY MR. EMMONS:

19 Q So you are aware that there were discussions between
20 Mr. Sandifer and Mr. Shaffner that started before Raystay's
21 deal was made with Quality Family Companies?

22 A I'm not certain of that. I'm really not certain of
23 that. Lee Sandifer could tell you that.

24 Q But you are certain, I take it, that at least as of
25 the fall of 1991 or by December of 1991, Mr. Sandifer was in

1 discussions with Mr. Shaffner about selling TV 40 to Mr.
2 Shaffner?

3 A A transfer, a trade of assets, yes. We would give
4 him TV 40 in exchange for his cable system.

5 Q Now, was there any -- going back to the -- when you
6 learned of the collapse of the deal with Mr. Fenstermacher in
7 August 1991, did there ensue any discussions of which you're
8 aware concerning sale or possible sale of the low-power
9 construction permits then held by Raystay?

10 A Following the August termination of the Quality
11 Family Company's deal?

12 Q Yes.

13 A Yes.

14 Q And when did -- what such discussions do you refer
15 to?

16 A The Trinity discussions.

17 Q Turn, if you would, to Exhibit 224, TBF Exhibit 224.
18 This exhibit consists of five pages, each of which is a
19 separate letter addressed to Raystay Company, each one dated
20 June 26, 1991, each one signed by George Sebastian as director
21 of low-power TV of the Trinity Broadcasting Network. Do you
22 see -- do you have that exhibit before you?

23 A Yes.

24 Q Now, these -- do you see -- do you see that these
25 are addressed to Raystay Company at a post office box address

1 in Carlisle?

2 A Yes.

3 Q And my question is did these letters come to your
4 attention at or about the time, late June 1991?

5 A No.

6 Q Did they come to your attention at any later time?

7 A Yes.

8 Q When did they come to your attention?

9 A I believe the first time I saw these was when we
10 started putting these exhibits together for these proceedings.

11 Q So you were not aware of these five letters until
12 the preparation of this case began.

13 A Yes.

14 Q Is that what you're saying?

15 A That's correct.

16 Q And you'd not heard about any inquiry from Trinity
17 on these five construction permits?

18 A At what time?

19 Q You'd not heard -- let me withdraw that question. I
20 think you testified you had not seen these letters until some
21 time in the preparation of this case and my next question is
22 had anybody told you about these letters at or about the time,
23 June of 1991?

24 A No.

25 Q Now, turn to TBF Exhibit 225. This is a letter of

1 one page dated August 12, 1991 addressed to Raystay Company,
2 signed by Deanna Sebastian as director of low-power TV at
3 Trinity Broadcasting Network and my question is did this
4 letter come to your attention at or around August 1991?

5 A Yes.

6 Q And how did it come to your attention?

7 A After the Quality Family Company's deal terminated,
8 Lee Sandifer and I had a short meeting during which he gave me
9 this letter.

10 Q And what was the substance of the meeting?

11 A He asked me to contact Trinity to see what we might
12 be able to do with them regarding this letter.

13 Q And you understood that this letter was an inquiry
14 by Trinity into whether Raystay was interested in making a
15 deal with respect to TV 40? Was that your understanding at
16 the time?

17 A Yes.

18 Q And did you understand that to include possible
19 interests by Trinity to purchase TV 40?

20 A Yes.

21 Q And Mr. Sandifer instructed you to follow through on
22 this letter. Is that what happened?

23 A Yes.

24 Q And did you follow through on the letter?

25 A Yes.

1 Q What was the first thing you did in following
2 through?

3 A I called someone at Trinity and we had a discussion
4 about what low-power television we had and what their interest
5 might be.

6 Q Do you know who it was you called?

7 A No, I don't.

8 Q Do you know whether it was a man or a woman?

9 A I don't remember.

10 Q When did you place that call?

11 A I would believe it was placed in late August 1991.

12 Q And relate, as best you can, the substance of the
13 discussion.

14 A I don't recall any specifics of that discussion.

15 Q I think you said that you discussed Trinity's
16 possible interest in low-power facilities. Did you -- I
17 assume you talked about TV 40, that Raystay owned a station
18 called TV 40.

19 A I had numerous phone conversations with
20 representatives of Trinity and I really don't recall specifics
21 of each conversation.

22 Q Do you generally recall though that discussions with
23 Trinity included the subject of TV 40?

24 A Yes.

25 Q And did the discussions with Trinity also include

1 the subject of Raystay's five low-power construction permits?

2 A Yes.

3 Q And those discussions -- that process began, you
4 think, in late August 1991?

5 A I believe so, yes.

6 Q Now, would you turn to TBF Exhibit 226, please?

7 This is a -- what appears to be a FAX transmission cover page
8 and let me ask you first do you recognize the handwriting on
9 that document?

10 A It appears -- yes.

11 Q And whose is it?

12 A It appears to be mine.

13 Q Are you in any doubt about that?

14 A No.

15 Q Now, the message indicates that it is to Deanna
16 Sebastian. Who was Deanna Sebastian?

17 A She's the lady that signed the letter, the second
18 letter from Trinity dated August 12, 1991.

19 Q That would be Exhibit 225 -- TBF Exhibit 225?

20 A Yeah. Yes.

21 Q So she was the -- at least according to her title on
22 that letter, she was the director of low-power television for
23 Trinity. Is that correct?

24 A That's correct.

25 Q Now, the message or the comment line on TBF Exhibit

1 226 says, "LPTV C.P.'s per your request. W40AF is on the
2 air," and I notice that the -- above that, on the line for the
3 number of pages being included in the transmission, it says
4 21. Do you see that?

5 A Yes.

6 Q Is what you were doing here FAX'ing to Ms. Sebastian
7 copies of Trinity -- of Raystay's low-power construction
8 permits?

9 A It appears that's what I was doing, yes.

10 Q And that was on August 29th. Is that the date that
11 appears there?

12 A Yes.

13 Q Now, the message or comment line also includes the
14 phrase, "per your request." Did you have a prior conversation
15 or conversations with Ms. Sebastian in which she asked you to
16 send her the Raystay construction permits for low-power
17 stations?

18 A It would appear that that's what was requested in
19 the first phone call I made to Trinity in late August of 1991.

20 Q And you were now complying with that request as
21 indicated by TBF Exhibit 226. Is that your recollection, that
22 you complied with her request?

23 A Yes.

24 Q Now, turn next to TBF Exhibit 227. This is a one-
25 page letter addressed to David Gardner dated September 4, 1991

1 signed by George Sebastian, director of low-power TV for
2 Trinity Broadcasting, and my question to you, Mr. Gardner, is
3 did you receive this letter around the time of September 4,
4 1991?

5 A Yes.

6 Q And do you see that the letter -- and do you recall
7 that the letter requested certain information from you in the
8 first paragraph there?

9 A Yes.

10 Q Now, did there come a time when Trinity arranged for
11 its engineer or an engineer to inspect the transmitter sites
12 specified in Raystay's low-power construction permits?

13 A Yes.

14 Q And was that around mid-October of 1991?

15 A Yes.

16 Q And do you remember the name of the engineer -- of
17 Trinity's engineer who did that?

18 A I did not remember his name until there was further
19 investigation based on these proceedings.

20 Q But based on that, do you now know his name?

21 A Yes.

22 Q And what is that name?

23 A Tom Riley.

24 Q And did Mr. Riley meet with you?

25 A Yes.

- 1 Q And where was that meeting held?
- 2 A It was in Carlisle.
- 3 Q At Raystay's offices?
- 4 A I believe so.
- 5 Q And did you visit with Mr. Riley the studio and the
- 6 transmitter site of TV 40?
- 7 A I believe we visited the studio. I believe we
- 8 visited the transmitter site, too, but I'm not certain of
- 9 that.
- 10 Q And we're referring just to TV 40 at this point.
- 11 A Yes.
- 12 Q You understand that. Did you accompany Mr. Riley on
- 13 any visit to the Red Lion site?
- 14 A I don't believe so.
- 15 Q And is it your understanding that Mr. Riley visited,
- 16 by himself, the Lancaster and the Lebanon sites?
- 17 A Yes.
- 18 Q But you did not accompany him on his visits to those
- 19 sites, did you?
- 20 A No.
- 21 Q And again, all of that occurred somewhere in the
- 22 time frame of mid-October 1991?
- 23 A Yes.
- 24 Q Now, would you turn to TBF Exhibit 229? This is a
- 25 one-page telefax cover sheet dated October 17, 1991, addressed

1 to David Gardner and Lee Sandifer, and it's from George
2 Sebastian and my question to you, Mr. Gardner, is did you
3 receive this telefax transmission on or about October 17,
4 1991?

5 A I don't remember receiving this FAX at that time.

6 Q When was the first time you saw this FAX?

7 A I don't recall the first time I saw it.

8 Q Do you recall responding to it?

9 A I believe I did, yes.

10 Q So is it fair to say that you became aware of the
11 request made in this FAX sometime around that general time
12 frame?

13 A Yes.

14 Q Now, do you see that the -- in the message portion
15 of the FAX that the -- what is being requested is information
16 about lease fees for the microwave site and the tower site for
17 Dillsburg and also for the York tower site and also the
18 sentence, "Have your people arrive at a package price for the
19 seven facilities including equipment"? Do you see that?

20 A Yes, I see it.

21 Q And was it your understanding that that's the same
22 information that had been requested in Mr. George Sebastian's
23 letter of September 4, 1991 to you which is TBF Exhibit 227?

24 A Yeah. It's very similar to that request.

25 Q So it was your understanding that Mr. Sebastian was,

1 in his FAX, which is TBF Exhibit 229, was essentially
2 following up on the request that he had made in his letter of
3 September 4, 1991.

4 A Yes.

5 Q Now, is it fair to say that since Mr. Sebastian was
6 following up on October 17, 1991, that you had not responded
7 to the substance of the requests he had sent you in his letter
8 of September 4, 1991?

9 A That's how it would appear.

10 Q Do you recall having made a response between
11 September 4 and October 17?

12 A I don't recall having made a response.

13 Q Now, this FAX of October 17, 1991, which is TBF
14 Exhibit 229, appears to be jointly addressed to you and Mr.
15 Sandifer and my question to you is are you aware whether Mr.
16 Sandifer had been in communication with Mr. George Sebastian
17 or anyone else at Trinity prior to October 17, 1991?

18 MR. SCHAUBLE: Objection, Your Honor. That appears
19 -- that seems to be a question for Mr. Sandifer who's going to
20 be a witness here. What's -- I don't understand the relevance
21 of asking Mr. Gardner that question.

22 MR. EMMONS: Well, it's either a fact -- it's a fact
23 that the witness may or may not be -- have knowledge to
24 answer, but he can certainly tell us whether he has the
25 knowledge.

1 JUDGE CHACHKIN: I'll overrule the objection.

2 BY MR. EMMONS:

3 Q Do you have the question, Mr. Gardner?

4 A Could you repeat the question?

5 Q My question is to your knowledge, was Mr. Sandifer
6 in communication with either George Sebastian or anyone else
7 at Trinity about the low-power matters prior to October 17,
8 1991?

9 A I cannot recall any -- being made aware of any
10 communication by Lee Sandifer or anyone else at -- in those
11 time references.

12 Q Now, would you turn next to TBF Exhibit 230? Now,
13 this is a letter dated October 30, 1991 to George Sebastian
14 from David Gardner. Let me ask you, Mr. Gardner, first is
15 that your signature that appears on the bottom of the page?

16 A Yes.

17 Q And did you send this letter to Mr. Sebastian by FAX
18 on or about October 30, 1991?

19 A I believe I did.

20 Q And does this letter constitute Raystay's response
21 to Mr. Sebastian's request for information about fees and
22 prices?

23 A I believe it does.

24 Q Mr. Gardner, still with reference to TBF Exhibit
25 230, my question is who at Raystay decided the terms of the

1 offer that is contained in this letter?

2 A Lee Sandifer.

3 Q And how do you know that?

4 A Because he and I were in his office and he told me
5 what to put into the letter.

6 Q Now, do you know what discussions, if any, Lee
7 Sandifer had with George Gardner on that subject?

8 A No, I don't.

9 Q Now, I want to look at the -- go through the letter
10 with you to understand exactly what was being proposed in this
11 letter. Do I correctly understand this as including an offer
12 by Raystay to sell to Trinity their license for TV 40 and the
13 equipment for TV 40?

14 A Yes.

15 Q And does it also constitute an offer by Raystay to
16 sell to Trinity the five construction permits for the low-
17 power stations held by Raystay?

18 A Yes.

19 Q Now, with respect to the second paragraph of the
20 letter, the first sentence reads -- and I'm going to have a
21 question about this. But it reads, "The lease fees would be
22 proposed as follows, tower site at Dillsburg, Pennsylvania,
23 which includes use of the tower and space inside the building
24 for transmitter, \$400 a month." Just with reference to
25 portion of the sentence that I've read, was that a proposal